

Senate Bill 479

By: Senators Grant of the 25th, Hooks of the 14th, Mullis of the 53rd, Powell of the 23rd and Unterman of the 45th

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 5 of Title 36 of the Official Code of Georgia Annotated, relating to county governing authorities, so as to authorize county governing authorities to reapportion election districts for county governing authorities; to provide for procedures, conditions, and limitations; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 5 of Title 36 of the Official Code of Georgia Annotated, relating to county governing authorities, is amended by adding a new Code section to read as follows:
"36-5-30.

(a) Subject to the limitations provided in this Code section, the governing authority of any county shall be authorized to reapportion the election districts from which members of such county governing authority are elected. Such reapportionment of districts shall be effective for the election of members to the county governing authority at the next regular general county election following adoption of the reapportionment ordinance.

(b) A county governing authority may reapportion election districts by an ordinance duly adopted at a meeting of such governing authority following two public hearings not less than seven nor more than 60 days apart. The second hearing shall be held no more than ten days prior to the meeting at which final action is taken. A notice containing a synopsis of the proposal shall be published in the official organ of the county or in a newspaper of general circulation in the county once a week for three weeks within a period of 60 days immediately preceding its final adoption. The notice shall state that a copy of the proposed ordinance reapportioning county election districts is on file in the office of the clerk of the county governing authority for the purpose of examination and inspection by the public. The clerk shall furnish any person, upon written request, with a copy of the proposed ordinance.

(c) Reapportionment of county election districts authorized by this Code section shall be in accordance with the following specifications:

(1) Each reapportionment district shall be formed of contiguous territory, and the boundary lines of each district shall be the center lines of streets or other well-defined boundaries;

(2) Variations in population among such districts shall comply with the one person, one vote requirements of the United States Constitution; and

(3) Reapportionment shall be limited to adjusting the boundary lines of existing districts only to the extent reasonably necessary to comply with the requirements of paragraph (2) of this subsection and federal law.

(d) In exercising its powers pursuant to this Code section, a county governing authority shall not be authorized to change the number of members of such county governing authority or the manner of electing such members.

(e) Following adoption of a reapportionment ordinance, the county shall submit the ordinance for preclearance pursuant to the federal Voting Rights Act of 1965, as amended. Following such preclearance, a copy of the ordinance reapportioning election districts shall be filed with the Secretary of State and in the office of the clerk of the superior court of the county whose election districts were reapportioned pursuant to this Code section.

(f) This Code section shall not prohibit the General Assembly from enacting a local law to reapportion or otherwise change election districts from which members of a county governing authority are elected. If such action is taken by the General Assembly following publication of a decennial census, but before the first regular general county election following the publication of such census, the local Act of the General Assembly shall nullify the power given to the county governing authority by subsections (a) through (e) of this Code section."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.